

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

RACHEL LYNN WILLIAMSON)
and CONSTANCE NOCOA,)
individually and on behalf of all others)
similarly situated)
Plaintiffs,)

vs.)

CASE NO.: 1:24-CV-01526-TWP-MJD

GERARDO LORENZO LINARDUCCI,)
an Indiana individual, and)
INTEGRITY WEALTH PARTNERS,)
LLC, an Indiana limited liability)
Corporation, and DUCCI)
ENTERPRISES, LLC, an Indiana)
limited liability corporation,)
Defendants.)

DEFENDANTS' MOTION TO DISMISS

Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and 9(b), Defendants Gerardo Lorenzo Linarducci, Integrity Wealth Partners, LLC, and Ducci Enterprises, LLC, (collectively "Defendants") respectfully request that the Court dismiss all of Plaintiffs' claims against them, for the following reasons:

- 1) Plaintiffs' claim under Section 12(a)(2) of the Securities Act of 1933 (Count I) fails to state a claim under Rule 12(b)(6) because it fails to allege the existence of a prospectus or any material misstatements or omissions related to a prospectus in a public offering.

- 2) Plaintiffs' claim under Section 12(a)(2) of the Securities Act of 1933 sounds in fraud and fails to allege fraud with particularity pursuant to Rule 9(b)'s heightened pleading requirements.
- 3) If the Court dismisses Plaintiffs' Section 12(a)(2) claim, then Plaintiffs' remaining state law claims should be dismissed, without prejudice, pursuant to Rule 12(b)(1) for lack of subject matter jurisdiction because there will be no federal question jurisdiction, and supplemental jurisdiction will no longer exist over the state law claims.

In support of this motion, the Defendants contemporaneously file and incorporate by reference their supporting brief.

WHEREFORE, Defendants respectfully request the Court dismiss Count I, with prejudice, and all remaining Counts, without prejudice, and grant all other appropriate relief it deems just and proper.

Respectfully submitted,

/s/ Kevin D. Koons

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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2024, I filed the foregoing *Defendant's Motion to Dismiss* electronically with the Clerk of the Court. Notice of this filing will be sent to the following by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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/s/ Kevin D. Koons

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